

## Assembly Bill No. 2071

### CHAPTER 338

An act to amend Sections 6027.5 and 6029 of the Food and Agricultural Code, relating to pest control, and making an appropriation therefor.

[Approved by Governor September 6, 2000. Filed  
with Secretary of State September 8, 2000.]

#### LEGISLATIVE COUNSEL'S DIGEST

AB 2071, Briggs. Pest control: vertebrate pests.

Existing law, which is to be repealed on January 1, 2001, requires the Secretary of Food and Agriculture to establish and administer a research program to control vertebrate pests that pose a significant threat to the welfare of the state's agricultural economy and the public. Existing law imposes a state-mandated local program by requiring county agricultural commissioners to pay an assessment on the vertebrate pest control materials sold, distributed, or applied by the county for vertebrate pest control purposes. Existing law also establishes the Vertebrate Pest Control Research Account in the Department of Food and Agriculture Fund and continuously appropriates the money in the account to the secretary for purposes of the program. Under existing law, commencing with the 1997 calendar year, the secretary is authorized to set a different level of assessment in the amount necessary to provide revenue for a specified purpose.

This bill would continue that existing law beyond January 1, 2001, by extending that repeal date to January 1, 2006, thereby imposing a state-mandated local program, and continuing in effect a continuously appropriated fund. The bill would limit the sale of vertebrate pest control material to sales by the county commissioner or as authorized by the secretary. The bill also would specify that when the secretary sets a different level of assessment, the new level of assessment may only commence at the beginning of the subsequent calendar year. The bill would make related changes.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Appropriation: yes.

*The people of the State of California do enact as follows:*

SECTION 1. Section 6027.5 of the Food and Agricultural Code is amended to read:

6027.5. During the calendar year, each commissioner shall pay to the secretary a fee not to exceed fifty cents (\$0.50) per pound of vertebrate pest control material sold, distributed, or applied by the county for vertebrate pest control purposes. No assessment shall be imposed on the sale or on the distribution of vertebrate pest control material by a county agricultural commissioner to another commissioner. Vertebrate pest control material registered by the secretary may only be sold or distributed by a county agricultural commissioner or as authorized by the secretary.

The secretary may set a different level of assessment in the amount necessary to provide revenue for the vertebrate pest control research projects carried out pursuant to this article only if the secretary, at a minimum, has consulted with the Vertebrate Pest Control Research Advisory Committee. The new level of assessment may only commence at the beginning of the subsequent calendar year. However, the assessment shall not exceed one dollar (\$1) per pound of vertebrate control material sold, distributed, or applied by the county for vertebrate pest control purposes. To assist the advisory committee in making its recommendations, the department shall submit a progress report to the members of the advisory committee at least 30 days prior to each meeting of the advisory committee. The report shall include, but is not limited to, data on research that has been, or is proposed to be, conducted and statements regarding the necessity for that research. This section does not preclude the department from preparing and distributing additional reports that may be requested by the advisory committee.

SEC. 2. Section 6029 of the Food and Agricultural Code is amended to read:

6029. This article shall remain in effect only until January 1, 2006, and as of that date is repealed, unless a later enacted statute, which is enacted before January 1, 2006, deletes or extends that date.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for



reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

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